

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

T. R. OLIVER, JR., 2008 FEB -6)P 12: 32

)

Plaintiff, DEBRA P. HACKETT, CLK
vs. U.S. DISTRICT COURT
MIDDLE DISTRICT ALA) CIVIL ACTION NO. 2:08-CV-81-WHA

JOSE A. RODRIGUEZ; JOSE DELEON)
ARMIJO; ARMIJO BROTHERS)
PRODUCE, INC.; and ALFA)
INSURANCE COMPANY, et al.,)
Defendants.)

NOTICE OF ELECTION TO OPT OUT OF LITIGATION

COMES NOW Defendant, Alfa Mutual Insurance Company, (hereinafter referred to as "Alfa Mutual") and hereby exercises its election not to participate in the trial of the above-styled case and as grounds therefore shows unto the Court as follows:

1. Alfa Mutual is the uninsured/underinsured motorist carrier of Plaintiff T. R. Oliver, Jr.
2. At the time of this accident, T. R. Oliver, Jr. had in full force and effect a policy of insurance on the car that Plaintiff, T. R. Oliver, Jr., was operating at the time of the underlying accident.
3. Under the circumstances, Plaintiffs' insurance with Alfa Mutual would be in excess of the coverage provided under Armijo Brother Produce, Inc.'s policy or policies.
4. Alfa Mutual respectfully notifies the Court of its intention to opt out of this litigation and not participate in the trial of this matter.

5. Alfa Mutual agrees to be bound by the verdict of the jury and agrees to pay any judgment in accordance with its policy of insurance and within the limits of said policy.

WHEREFORE, the premises considered, Alfa Mutual Insurance Company respectfully notifies this Court of its election to opt out of this litigation.

Respectfully submitted,


Courtney R. Potthoff ASB 4565-057C

Attorney for Defendant
Alfa Mutual Insurance Company

OF COUNSEL:

WILLIAMS, POTTHOFF, WILLIAMS
& SMITH, L.L.C.

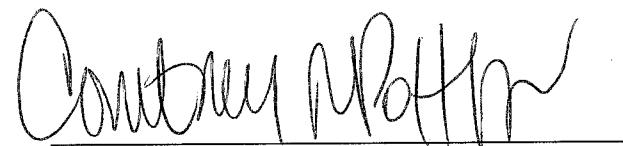
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 6th day of February, 2008, served a copy of the above and foregoing upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed, postage prepaid:

J. Matthew Horne, Esq.
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Of Counsel